IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5348 OF 2006

Mansoor Shaikh,
through his C.A.
Smt. Jannatbi Mansoor Shaikh,
r/o Shiv Sahyadri Nagar,
Opp: Chawan Mirchi Kandap,
Shil Road, Netivali,
Kalyan (East), Dist: Thane. .... Petitioner

- Versus -

Shivram Narsu Raut,
R/at A/26, Sai Tirth Apartment,
Subhash Road, Navapada,
Dombivli (West),
Dist: Thane. .... Respondent

Sarvasri Piyush Shah with V.N. Tayade for
the Petitioner.

Shri C.H. Belindage for the Respondent.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: OCTOBER 06, 2006

ORAL JUDGMENT:

Heard. Rule. By consent, the order passed by the competent authority as well as by the revisional authority are hereby quashed and set aside and the matter is remanded to the competent authority to hear the parties and to pass appropriate order in accordance with the provisions of law. The competent authority to assess the evidence already produced on record by the parties and the same should be done after hearing the arguments by the parties or on their behalf in relation

to the evidence already led before the competent authority. On proper appreciation of the evidence, the competent authority has to arrive at a clear finding in relation to each of the issues framed by the competent authority which are found to be reproduced in the earlier judgment of the competent authority under Para 5 thereof. The entire exercise of hearing the parties and passing of the judgment should be completed within a period of three months and in any case before 31-1-2007. With these directions, the petition is disposed of. The rule is made absolute accordingly with no order as to costs.

(R.M.S. Khandeparkar, J.)

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